

13281 U.S. PTO
022304

REQUEST FORM AND FORMALITIES PRELIMINARY AMENDMENT FOR
FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)

Attorney Docket No. P63796US1

17510 U.S. PTO
10/783029
022304

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This is a request for filing the attached ☒ continuation or ☐ divisional or ☐ continuation-in-part application under 37 CFR 1.53(b) of prior application number 09/355,931, filed October 12, 1999, for TRANSDERMAL, ORAL AND INTRAVENOUS PREPARATIONS OF 2,3-DIMETHOXY-5-METHYL-6-DECAPRENYL-1,4 BENZOQUINONE by inventor(s):

FRANZ ENZMANN
BURKHARD LACHMANN

Enclosed is a copy of the prior application including the inventorship declaration as originally filed.

1. ☐ A Preliminary Amendment is enclosed.
2. ☐ Cancel claims * before calculating the filing fee.
3. ☐ The filing fee is calculated as follows on the basis of the claims existing in the prior application as amended by 1 and/or 2 above.

Fee Calculation							
Excess Claims							
	Nº of Claims	Nº Allowed	Excess Claims	Small Entity Fee		Large Entity Fee	
				<u>fee/claim</u>	<u>total</u>	<u>fee/claim</u>	<u>total</u>
Total		⊖ 20 =		⊗ \$9 =	\$0	⊗ \$18 =	\$0
Ind.		⊖ 3 =		⊗ \$42 =	\$0	⊗ \$84 =	\$0
<input type="checkbox"/> Multiple Dependent Claims (1 st Filing)				⊕ \$140 =		⊕ \$280 =	
Filing Fee				\$		\$	
Total Fee Due				??		??	

4. ☐ Payment Form PTO-2038 (credit card) for \$ * is attached.
- ☐ Charge \$* to Deposit Account No. 06-1358.
5. ☒ This application is filed without filing fee under 37 CFR 1.53(f).

6. ☒ Amend the specification by inserting at page 1, before the first line:
- This is a continuation of application no. 09/355,931 filed October 12, 1999.
- ☐ which is a * of application no. */*, filed *
- ☐ which is a * of application no. */*, filed *
- ☒ which is a 371 of application no. PCT/EP98/00744, filed February 11, 1998, and published in GERMAN.
- the disclosure of the foregoing being incorporated by reference herein.
7. ☒ Small entity status:
- ☐ A small entity statement is enclosed.
- ☒ A small entity statement was filed in the prior non-provisional application and such status is still proper and desired.
- ☐ Is no longer claimed.
8. ☒ Priority under 35 USC 119 is claimed to application number 197 05 231.2 filed February 11, 1997, in GERMANY.
- ☒ Certified copy on file in prior application no. 09/355,931
- ☐ Certified copy filed herewith.
9. ☒ The prior application is assigned of record to MSE Pharmazeutika GmbH.
10. ☒ The Power of Attorney in the prior application is to at least one of the following:
- William E. Player, 31,409; John Clarke Holman, 22,769; Harvey B. Jacobson, Jr., 20,851; D. Douglas Price, 24,514; Marvin R. Stern, 20,640; Michael R. Slobasky, 26,421; Jonathan L. Scherer, 29,851; Irwin M. Aisenberg, 19,007.
- ☒ The power appears in the original papers of the prior application.
- ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

11. ☒ Petition to extend the life of the above prior application to at least the date hereof
(One box) ☒ is being concurrently filed in that prior application.

NOTE:(must be) ☐ was previously filed in that application.

(X'd) ☐ is not necessary.

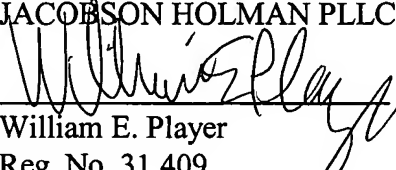
If a petition for extension of time is necessary and the petition and/or fee is not enclosed, the commissioner is petitioned to extend the time for response and authorized to charge any fees necessary under 37 CFR 1.17 (a)(1)-(5) to Deposit Account No. 06-1358.

12. ☐ Formal drawings are enclosed.
13. ☒ Enclosed is a copy of each Information Disclosure Statement (IDS) and Form PTO 1449 of record in each prior application relied on for an earlier filing date under 35 U.S.C. 120.
14. ☒ Enclosed is a copy each Form PTO 892 of record in each prior application relied on for an earlier filing date under 35 U.S.C. 120.

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Respectfully submitted,

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WEP/bap